



Paper No. 23

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OFFICE OF PETITIONS

In re Application of  
Matsubara, et al.  
Application No. 08/530,112  
Filed: July 7, 1995  
Attorney Docket No. 215/070

DECISION ON PETITION

This is a decision on the petition to revive the above-identified application pursuant to 37 CFR 1.137(b), filed via facsimile transmission on June 4, 2002.

The petition is **GRANTED**.

The above-identified application became abandoned as a result of petitioner's failure to timely file a proper Appeal Brief. A final Office action was mailed on March 7, 2001, which set a shortened statutory period for reply of three months. Petitioner obtained a three month extension of time and timely filed a Notice of Appeal on September 17, 2001 (Certificate of Mailing dated September 7, 2001). Accordingly, petitioner had two months from the filing of the Notice of Appeal, or until November 17, 2001, to file an Appeal Brief in triplicate. No Appeal Brief having been received, the above-identified application became abandoned on November 18, 2001. The mailing of this decision precedes the mailing of a Notice of Abandonment.

On petition, petitioner paid the petition fee, made the proper statement of unintentional delay, and submitted a proper reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 (with fee).

The petition fee of \$1,280 has been charged to Deposit Account No. 50-0872, as authorized.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>1</sup> In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37

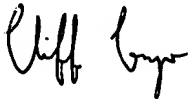
<sup>1</sup> See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The application file is being forwarded to Technology Center 1600 for consideration of the RCE and the submission, an amendment filed June 4, 2002.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



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